

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Sri K.Harinadha Babu, former Superintendent, O/o Project Director, D.W & C.D.A., Ongole, Prakasam District (now retired) – Certain irregularities in purchasing of material - Disciplinary proceedings initiated under Rule – 20 of A.P.Civil Services [C.C & A] Rules, 1991– Certain charges proved - Imposing the punishment of 6% cut in admissible pension permanently under Rule – 9 of A.P.Revised Pension Rules, 1980 –Orders – Issued.

DEPT. FOR WOMEN, CHILDREN, DISABLED & SENIOR CITIZENS [ESTT.- A1]

G.O.Rt.No.195

Dated 24th May, 2014

Read the following:-

01. From the Commissioner, W.D & C.W., A.P., Hyderabad, Letter No.938/Vig.1/2009, dated 25-01-2012.
02. Govt. Memo No.1623/Estt.A1/2012-7, dated 03.06.2013
03. Explanation dated 24.06.2013, submitted by the Sri K.Harinadha Babu, Retired Superintendent.
04. Government Letter No.1623/Estt.A1/2012-9, dated 31-10-2013 addressed to the Secretary, A.P.P.S.C., Nampally, Hyderabad.
05. From Secretary, A.P.P.S.C., Lr.No.2136/RT/1/2013, dt. 07-12-2013.
06. Government Memo.No.1623/Estt.A1/2012-10, dated 20-12-2013.
07. Government Memo.No.1623/Estt.A1/2012-11, dated 10-01-2014.
08. From the Commissioner, W.D & C.W., A.P., Hyderabad, Lr.No.938/Vig.1/2009, dated 10-01-2014.
09. Government Memo.No.1623/Estt.A1/2012-12, dated 12-02-2014.
10. From the Commissioner, W.D & C.W., A.P., Hyderabad, Lr.No.938/Vig.1/2009, dated 26-02-2014.
11. Government Letter No.1623/Estt.A1/2012-13, dated 03-04-2014.
12. From Secretary, A.P.P.S.C., Hyderabad, Lr.No.2136/RT/1/2013, dated 22-04-2014.

ORDER: -

Whereas in the reference 1st read above, the Commissioner, W.D & C.W, A.P., Hyderabad, has stated that the then Director, W.D & C.W., has initiated the disciplinary proceedings under Rule – 20 of A.P.C.S (C.C & A) Rules, 1991 in respect of Sri K.Harinadha Babu, Retired Superintendent on account of certain irregularities in purchasing of material and based on the report No.153 [No.2996/V&E/D2/05], dated 14.11.2008 of the Vig. & Enft. Dept. and also issued a Charge Memo. to him by framing the following articles of charges: -

- (i). That, Sri K.Harinadha Babu, former Superintendent, O/o P.D., Ongole, in collusion with Smt.P.Vijaya Kumari, while working in the capacity of P.D [FAC], w.e.f. 02-03-2005, has incurred an amount of Rs.9,54,859/- though the Govt. have allotted only Rs.6,43,200/- thus exceeding the budget allotment by Rs.3,11,659/- in respect of pending bills for 2004-05. The excess expenditure of Rs.3,11,659/- was incurred from the budget released for 2005-06 without obtaining any orders for such diversion from the competent authority which is to be highly irregular. The above act of the Sri K.Harinath Babu, former Superintendent, O/o the Project Director, Ongole, shows his lack of responsibility in performing his legitimate duties as he has violated the procedures. Hence, the charge.
- (ii). That, Sri K.Harinadha Babu, former Superintendent, O/o P.D., Ongole, in collusion with Smt.P.Vijaya Kumari, while working in the capacity of P.D [FAC], w.e.f. 02-03-2005, has drawn an amount of Rs.9,54,859/- on 09/2005 and the DDs were handed over to the contractors on 05.10.2005. Then the stationery materials have been supplied to the CDPOs only on 15-10-2005, 20-10-2005 and 22.10.2005 i.e. the material have been supplied only after

the receipt of the Bank Cheques / DDs but not before the receipt of the same by the Contractors. Thus, Sri K.Harinadha Babu, former Superintendent, O/o P.D., Ongole has irregularly made payment to the Contractor though the material was not supplied. The above act of Sri K.Harinadha Babu, Superintendent, O/o PD., Ongole, shows his lack of responsibility in performing his legitimate duties. Hence, the charge.

- (iii). That, Sri K.Harinadha Babu, former Superintendent, O/o P.D., Ongole, in collusion with Smt.P.Vijaya Kumari, while working in the capacity of P.D [FAC], w.e.f. 02-03-2005, has obtained the bill No.37/ 07.03.2005 for Rs.55,714/- towards supply of Jampakanas and water mugs from M/s Harijan Labour Contract Cooperative Society without supply of materials by the said society. With the above act Sri K.Harinadha Babu, former Superintendent, O/o PD., Ongole has violated the procedures and he has exhibited the lack of devotion to his duties. Hence, the charge.
- (iv). That, Sri K.Harinadha Babu, former Superintendent, O/o P.D., Ongole, in collusion with Smt.P.Vijaya Kumari, while working in the capacity of P.D [FAC], w.e.f. 02-03-2005, has supplied stationery articles to CDPOs against 2005-06 budget, which are in excess. The materials were supplied to CDPOs without their indents.

The Project Director has also not sent the approved indent to the contract. It was thus clear that with the connivance of the contracts, the P.D., with the assistance of the concerned Superintendent and Sr. Asst., obtained bills without actual supply of material and stationery and with a view to derive personal again, the budget statement was obtained under the guise of arrears and amounts have been drawn.

However, sensing the allegation in the petition, gained the materials and stationary and supplied AWCs hurriedly. No samples of the materials proposed to be purchased from the said two firms be obtained and preserved for verification. Thus, Sri K.Harinadha Babu, former Superintendent, O/o PD., Ongole has violated the procedure and above act of said Sri K.Harinadha Babu, former Superintendent O/o the PD, Ongole, has exhibited the lack of responsibility in performing his duties. Hence, the charge.

- (v). That, the Joint Collector – Cum – Chairman, District Level Purchase Committee, Ongole, approved the rates proposed by the Cooperative Central Stores [Super Bazar], Ongole and issued orders to supply the stationery to all ICDS Projects in the district vide Joint Collectors' Rc.No.473/A3/05, dated 30-07-2005. It is noticed in the connected file that no District Level Committee Meeting was conducted to verify the quality of materials proposed for supply and to fix rates, Ongole by means of circulation of the file to the Project Director, the Chairman has approved that rates as specified by the Cooperative Stores and samples of the materials have been served to enable verification of the enquiry.

Thus, in collusion with Smt.P.Vijaya Kumari, while working in the capacity of P.D [FAC], w.e.f. 02-03-2005, Sri K.Harinadha Babu, former Superintendent, O/o the Project Director, DW & CDA., Ongole, has exhibited lack of responsibility in performing his legitimate duties as he has violated the procedures. Hence, the charge.

- (vi). That, Sri K.Harinadha Babu, former Superintendent, O/o P.D., Ongole, in collusion with Smt.P.Vijaya Kumari, while working in the capacity of P.D [FAC], w.e.f. 02-03-2005, has placed indent for the year 2005-06 works out to Rs.13,71,033/-. But the allotted budget for 2005-06 is only Rs.9,72,600/-. Thus, the Project Director and the Superintendent, knowingly placed indents for Rs.3,98,433/- in excess of the allotted budget some of the indented materials are also not supplied by the Cooperative stores giving scope for claiming the amounts pertaining to unsupplied items as arrears in future, without actual supply.

The above act of said Smt.P.Vijaya Kumari and Sri K.Harinadha Babu, reflects their malafied intension to misguide the higher officials for personal gain and have violated the procedures. Hence, the charge.

- (vii). The bank cheques for the bills are received by Managing Director on 06-10-2005 and materials were supplied to ICDS Projects usually on 22-10-2005. Thus, payments by way of cheques were made by Smt.P.Vijaya Kumari, RDD [FAC], Ongole, and Sri K.Harinadha Babu, Superintendent, O/o PD., Ongole, earlier than receipt of the materials which is irregular.

With the above act, Sri K.Harinadha Babu, Superintendent, O/o the P.D., Ongole, has exhibited lack of responsibility in performing legitimate duties as he has violated the procedures and colluded with the Project Director who has acted beyond his competence. Hence, the charge.

- (viii). That, Sri K.Harinadha Babu, former Superintendent, O/o P.D., Ongole, in collusion with Smt.P.Vijaya Kumari, while working in the capacity of P.D [FAC], w.e.f. 02-03-2005, certain stationery and other material were purchased from the concerned firm by name M/s .Ravi Enterprises, Ongole and M/s. Sai Balaji Enterprises, Ongole, and that it has come to the notice that no such firm in the name and style of M/s Sai Balaji Enterprises, Ongole, is existing. Enquiries revealed that the firm is non – existing and fictitious. This has also got confirmed by the officials of the Commercial Tax Department and the APGST. Therefore, it is clear evident that, Sri K.Harinadha Babu, former Superintendent, O/o the Project Director, Ongole, has also failed to notice that the said firms are irregular and he has entertained said irregular firms to supply the stationery and other material to the department, which has in turn resulted in supply the stationary and other material to the department which has in turn resulted in supply of the cheap quality of the material totaling the loss of amount Rs.2,97,963/-.

The above negligent act of Sri K.Harinadha Babu, Superintendent, in collusion with Smt.P.Vijaya Kumari, while she working in the capacity of Project Director [FAC], Ongole has caused loss to the Government to the tune of amount Rs.2,97,963/- Hence, the charge.

02. And whereas, the Commissioner, W.D & C.W., A.P., Hyderabad, has further stated that since the Charged Officer, in his explanation has denied all the eight charges, the Commissioner, W.D & C.W., A.P., Hyderabad, has appointed the R.D.D., W.D & C.W., Ongole, Prakasam District as Enquiry Officer and the P.D., D.W & C.D.A., Ongole, Prakasam District, as the Presenting Officer. The E.O. has submitted his enquiry report on 25-06-2011, which was examined by the Director, and it was noticed that the enquiry officer has failed to suggest whether the charges are held proved or not. Therefore, the Commissioner, vide Memo. dt.09-08-2011 has called for the enquiry report from the enquiry officer. In his further report, the Enquiry Officer, held that out of the eight charges issued to Sri K.Harinadha Babu, three charges are proved [i.e. Charges-II, IV and VII] two charges are not proved [i.e. Charges – III and VII] and three charges are partially proved [i.e. Charges – I, V and VI]. The Charged Officer has retired from service on 31-08-2011, on attaining the age of superannuation.

03. And whereas, certain charges were held proved by the Enquiry Officer, against the Charged Officer, Government, after careful examination of the matter have provisionally decided to impose a punishment under Rule-9 of the A.P.Revised Pension Rules, 1980, to withhold 6% pension permanently in respect of Sri K.Harinadha Babu, Retired Superintendent.

04. And whereas, the Government vide Memo. 3rd cited have issued a notice to Sri K.Harinadha Babu, Retired Superintendent to show cause as to way the punishment as mentioned in para-3 above, shall be not be impose on him, within a period of 15 days, as certain charges were held proved.

05. And whereas, the Charged Officer in his explanation dated 24-06-2013 submitted to the Show Cause Notice, has not put forth any new grounds to consider his

case, and requested the Govt. to finalize the disciplinary case and to release the pensionary benefits, since he retired from service on 31-08-2011.

06. And whereas, the Government after careful consideration of the matter, have decided under Rule-9 of the A.P.Revised Pension Rules, 1980, to impose a punishment of 6% cut in admissible pension permanently in respect of the Charged Officer i.e. Sri K.Harinadha Babu, Retired Superintendent as the written statement of defence submitted by him do not contain any new grounds.

07. And whereas, the Government vide Letter 4th read above have forwarded a proposal to the Secretary, A.P.P.S.C to obtain and communicate the concurrence of the 'Commission' on the provisional decision taken by the Government as in Para - 6 above so as to conclude the disciplinary proceedings, pending against the Charged Officer.

08. And whereas, the Secretary, A.P.P.S.C., vide their Letter 12th cited has informed the Government that the 'Commission' has agreed with the proposal of the Government to impose the punishment of 6% cut in pension permanently against the Charged Officer.

09. Now, the Government after careful consideration of the matter, under Rule - 9 of A.P.Revised Pension Rules, 1980, hereby impose a punishment of 6% [six percent] cut in pension permanently in respect of Sri K.Harinadha Babu, Retired Superintendent and former Superintendent, O/o Project Director, D.W & C.D.A., Ongole, Prakasam District since out of the eight charges framed against him three charges (II, IV and VII) are proved and the remaining three charges (I, V and VI) are partially proved as reported by the Enquiry Officer and accordingly, concluded the disciplinary proceedings pending against the Charged Officer.

10. This order issues with the concurrence of A.P.P.S.C vide their Letter 12th read above.

11. The Commissioner, W.D & C.W., A.P., Hyderabad, is requested to take necessary further action in the matter, accordingly.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

NILAM SAWHNEY,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

Sri K.Harinadha Babu, former Superintendent, O/o Project Director, D.W & C.D.A., Ongole, Prakasam District and retired now, through the Commissioner, W.D & C.W., A.P., Hyderabad.

The Commissioner, W.D & C.W., A.P., Hyderabad.

The Accountant - General, A.P., Hyderabad.

The Secretary, A.P.P.S.C., Nampally, Hyderabad.

The Director of Treasuries and Accounts, A.P., Hyderabad.

Copy to: -

The Regional Joint Director, W.D & C.W., Prakasam District, Ongole.

SF / SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER